

WOOLFOLK WINS

AND SECURES A CHANGE OF VENUE.

HE WILL BE TRIED IN HOUSTON COUNTY

Couldn't Get a Jury in Bibb—And the Case Will Be Heard at Perry in May—Costs of the Trial, Etc., Etc.

Special to The Evening Journal.

MACON, March 15.—Woolfolk won a sweeping victory yesterday.

After exhausting the jury list of Bibb county, and failing to secure twelve jurors, Judge Gustin granted a change of venue. So the whole case suffers another collapse. It takes a long time to either acquit or hang Woolfolk.

Captain Rutherford disposed of jurors as fast as they came up. Nearly all believed in Woolfolk's guilt, and said so, and when the last panel was exhausted only ten jurors were in the box.

There was only one thing to be done, Judge Gustin said, and granted a change of venue:

"I think this investigation," said he, "has gone to the extent the law requires. I regret very much on account of the expense to the county this case should have to be carried to another county, but I think the examination of the jury box has been thorough. I trust that the effect, or rather the result to be met here in connection with this case, may have the effect of impressing upon the people of this county and especially upon the members of the Legislature, the impropriety of a very large number of exemptions that have been granted under our law.

"I am satisfied that if it hadn't been for these exemptions a jury could have been obtained, and that the expense could have been saved to the people of this county.

"One feature, however, about that is that those gentlemen who have availed themselves of those exemptions will have a very large amount of the extra tax to pay on account of this case having to be transferred."

After a brief consultation Captain Rutherford and Solicitor-General Felton returned from the judge's room to the courtroom, when the solicitor announced that the counsel had been unable to agree.

Before the court decided where the case would be heard, Captain Rutherford said he would suggest that the case should not be carried to Crawford or Houston counties, as they are situated so close to the scene of the tragedy. The case has been as freely discussed in these counties as in Bibb, and should the case go to either county he would be compelled to again move for a change of venue. He referred to the expense of the trial as a matter much less serious than a man's life and, in his judgment, he thought the case should be carried to Savannah, Augusta or some large place, where public opinion had not crystalized into prejudice.

Judge Gustin said that he didn't think he had the right to go into another circuit, and ordered that the case be transferred to Houston county. It will be heard at Perry. Houston has the largest jury list of any county in the circuit. The judge said it would not occur before the first Tuesday in May.

EXPENSES OF THE TRIAL.

The Macon Telegraph has been getting up some figures showing the expenses of, and other interesting facts of the trial:

There are 844 citizens of Bibb county subject to duty as traverse jurors. After exemption, the sheriff had only 543 names from which to make the jury. Of this number ten were excused on account of sickness, and ten had legal excuses, which they presented to the court before being sworn, thirty-two could not be located by the deputies, and the rest, 491 in number, were sworn and placed upon the prisoner.

Of the jurors examined several were retired after qualifying because of doubt of their being competent, the names of six or seven could not be found in the jury box after they had qualified. Then the defense struck twenty and the state five, and ten were accepted and sworn as jurors "good and true." Of those who disqualified 215 had heard the evidence on the first trial, 146 were prejudiced for or against the prisoner and 52 were not positive that they were impartial.

The following figures show the expense of the trial:

500 jurors sworn.....	\$1,500 00
Witnesses paid, per diem and mileage..	214 94
Witnesses unpaid " " " " ..	150 00
One state's witness from Texas.....	100 00
Summoning jurors by sheriff.....	50 00
Hotel bill jury and bailiffs.....	50 00
Court officials.....	200 00
Court stenographer.....	200 00
Feeding pauper witnesses.....	20 00
Horses for bailiffs.....	25 00
Sundry incidentals.....	50 00

Total.....\$2,719 94

"The entire cost," said a county official "has never been added up and it would be hard to tell what that case will cost Bibb county before it is brought to a close."

To commence with, here is a rough estimate up to date:

Coroner.....	\$ 24 00
Coroner's jury.....	20 00
Physician.....	20 00
First trial, based on cost present trial..	2,500 00
Court stenographer.....	600 00
Appeal to supreme court.....	431 00
Board, jail, 676 days @ 30c.....	192 00
Expense Atlanta trip.....	50 00
Second trial, approximate.....	1,719 94
Total.....	\$6,538 94